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SUBJECT: COURTS OVERTURN BARRING OF HIV POSITIVE NAVAL CADET

¶1. (U) In a case that set a precedent for the Bolivian military, the La Paz Superior District Court ruled that HIV positive naval cadet Richard Condori should be reinstated to the naval academy. Condori is also alleged to suffer from lymphatic cancer. The Navy claimed Condori, a fifth year student at the academy, was released after he missed numerous classes during the 2006 academic year for health reasons. Condori and his lawyer argued that he was expelled from the school based on discrimination against his HIV status. After the ruling, Condori stated, "I believe in the justice of my country."

¶2. (U) Following the court's decision, Commanding Admiral of the Navy Jose Alba stated that the Navy would respect the court's ruling. The ruling permits Condori to return to the academy in 2008, if he obtains a medical certificate stating he is physically capable to attend. Shortly after the decision, Condori's lawyer, Ricardo Rocabado, announced that he would be filing a damage claim for USD 200,000 against Alba and the naval academy's director Cesar Aliaga.

¶3. (U) Comment: According to a recently published report by Bolivia's human rights ombudsman, people living with HIV and AIDS are the most discriminated against group in all of the country, ahead of indigenous peoples, peasants, and the handicapped. The case was not without controversy as people for and against Condori's reinstatement argued in front of the court; police were forced to intervene. However, Condori received much support from the public as well as politicians. UN Deputy Guillermo Mendoza, President of the lower house's Social Policy Commission, was one of the public (but not legal) faces of Condori's defense. End Comment.

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